IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5425 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KOLKI COTTON SALE,GINNING AND YPROCESSING SOCIETY LTD.

Versus

STATE OF GUJARAT

Appearance:

MR HARIN P RAVAL for Petitioners

MR SUDHANSHU PATEL, AGRP for Respondent Nos.1,2 & 3.

MR JAYANT PATEL for Respondent No. 4

RULE SERVED for Respondent No. 5

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 14/11/2000

ORAL JUDGEMENT

Heard Mr. Harin P. Raval, learned advocate for the petitioners, Mr. Sudhanshu Patel, learned A.G.P. for the respondent Nos. 1,2 and 3 and Mr. Jayant Patel, learned advocate for the respondent No.4. Learned advocate for the petitioner has drawn my attention towards the order dated 6-4-98, passed by the Court (

Coram : A.R.Dave, J.) in Special Civil Application No. 5423/97 and 5424/97, wherein the liquidation order passed by the authority against the petitioner Nos. 1,2 and 3 has been set aside. He has also drawn the attention of this Court towards the byelaws of the society which are on record at page No.34, 49, 69, 90 etc. and also towards the byelaws of respondent No.4 which are at page No.123. It is established from the aforesaid order and from the record and proceedings that the name of the present petitioner has been removed from the water list on the above referred ground and because of this petition the election could not proceed further since last three years and as mentioned by learned advocate Mr. Jayant Patel that the Custodian has already taken over charge of the respondent No.4 in view of Section 74 (d) of the Gujarat Cooperative Societies Act, 1961,and at present he is looking after the interest of the respondent No.4.

2. Keeping in mind all the above aspects of the matter and keeping all points open, petitioners are at liberty to raise their grievance before the respondent No.3 within two weeks from today and the respondent NO.3 is directed to decide the same on merits after giving an opportunity to all concerned parties within four weeks thereafter. Thereafter, the respondent No.3 shall complete the election process as expeditiously as possible.

3. Subject to aforesaid directions, this petition stands disposed of. Rule is discharged. Interim relief stands vacated. Direct service permitted.

(R.P.Dholakia, J.)

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